

AG Contract No.: KR02-1960TRN
ADOT ECS No.: JPA 02-099
Amendment No. One
Project: Economic Strength Program
(ESP) Grant
Section: -SR 77 - Columbia University
Biosphere 2 Center
TRACS No.: G 1051 09 C
Budget Source Item No.: ESP

AMENDMENT NO. ONE

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
PINAL COUNTY

THIS AGREEMENT is entered into this date April 22, 2005, **Amendment No. One** to JPA 02-099, AG Contract No.: KR02-1960TRN, filed with the Secretary of State under No. 26109 pursuant to Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, (the "State") and PINAL COUNTY, acting by and through its BOARD OF SUPERVISORS (the "County").

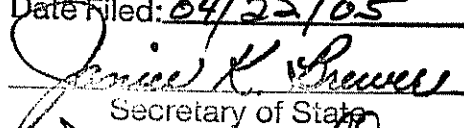
I. RECITALS

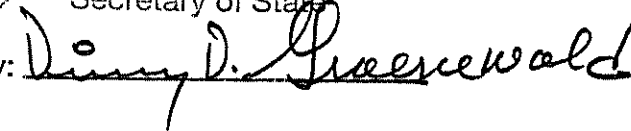
1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes § 11-251, 11-951 et. seq. and 28-7282 et seq. to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

This Agreement is being amended as follows: The parties agree to amend the above-referenced Agreement to extend the performance times from the date set forth in the original Agreement to June 24, 2005 for the reconstruction of improvements to 1.8 miles of Biosphere Road from State Route (SR) 77 to Columbia University Biosphere 2 Center.

THEREFORE, in consideration of the mutual agreements expressed herein, this Agreement is amended as follows:

#01
NO. 26109
Filed with the Secretary of State
Date Filed: 04/22/05

Secretary of State

By: 

II. SCOPE OF WORK

1. The County will:

Article II, Paragraph 1. c. is deleted and replaced in full as follows

c. Provide the State a copy of the executed Project contract(s), and draw down and expend the State ESP funds no later than **June 24, 2005**. Provide the State detailed written reports of all ESP fund expenditures, supported by invoices, receipts or other suitable and appropriate documentation, and a final accounting report no later than thirty-days (30) after ESP funds are fully expended.

III. MISCELLANEOUS PROVISIONS

Article III, Paragraph 4 is deleted and replaced in full as follows:

4. This Agreement shall remain in full force and effect until **June 24, 2005**, reimbursements and subsequent reports; provided, however, that this Agreement, except any provisions herein for maintenance, which shall be perpetual, unless assumed by another governmental agency, may be cancelled at any time prior to the award of a construction contract, upon thirty-days (30) written notice to the other party. Further this Agreement may be terminated and the ESP grant cancelled by the State if the County, in the opinion of and by action of the Transportation Board, fails to pursue due diligence on the Project or in the performance of any of the terms of this Agreement.

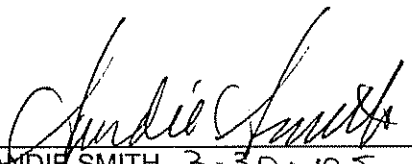
EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

PINAL COUNTY, ARIZONA

STATE OF ARIZONA

By



SANDIE SMITH 3-30-05
Chairman, Board of Supervisors

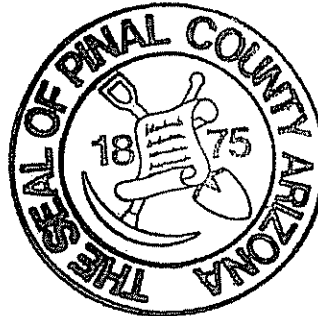
By


DALE BUSKIRK, Division Director
Transportation Planning Division

ATTEST:

By


Deputy Clerk of the Board



JPA 02-099

AMENDMENT ONE

APPROVAL OF PINAL COUNTY

I have reviewed the above referenced intergovernmental Agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and PINAL COUNTY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the COUNTY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 15th day of April, 2005.


Deputy County Attorney

When recorded return to:
Clerk of the Board
Pinal County Board of Supervisors
P O Box 827
Florence, AZ 85232

RESOLUTION NO. 033005 - JPA - 02-099

**RESOLUTION OF THE PINAL COUNTY BOARD OF SUPERVISORS
AUTHORIZING PINAL COUNTY TO ENTER INTO AMENDMENT ONE OF
INTERGOVERNMENTAL AGREEMENT JPA 02-099 WITH THE STATE OF
ARIZONA TO EXTEND PERFORMANCE TIMES TO RECEIVE ECONOMIC
STRENGTH PROJECT FUNDS FOR IMPROVEMENTS TO BIOSPHERE
ROAD FROM STATE ROUTE 77 TO BIOSPHERE 2 CENTER.**

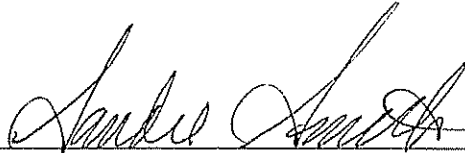
WHEREAS, the County is empowered by Arizona Revised Statutes Sections 11-951 et seq. and 28-7282 et seq. to enter into Intergovernmental Agreement JPA 02-099; and,

WHEREAS, the County has requested Economic Strength Project (ESP) funds in an amount not to exceed \$139,947.00, the Commerce and Economic Development Commission has recommended the approval of such funds for the County, and the Transportation Board has approved the funding for the construction of improvements to Biosphere Road to provide improved access and aid in the retention and development of local business; and,

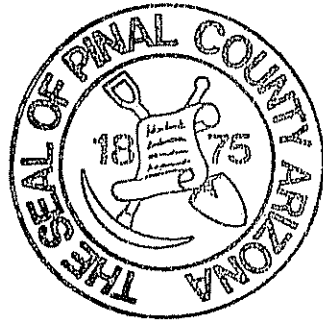
WHEREAS, the State of Arizona, through its Department of Transportation, and Pinal County agree to amend the above-referenced agreement to extend the performance times until June 24, 2005 for improvements to Biosphere Road from State Route 77 to Biosphere Center.

THEREFORE, BE IT RESOLVED, ORDERED, AND DECLARED, that Pinal County is authorized to enter into Amendment One of Intergovernmental Agreement JPA 02-099 with the State of Arizona, by and through its Department of Transportation, to extend the performance times until June 24, 2005 to receive Economic Strength Project funds in an amount not to exceed \$139,947.00 for improvements to Biosphere Road from State Route 77 to Biosphere 2 Center.

PASSED AND ADOPTED this 30th day of March,
200 5, by the PINAL COUNTY BOARD OF SUPERVISORS.



CHAIRMAN OF THE BOARD



ATTEST:



DEPUTY CLERK OF THE BOARD



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8859

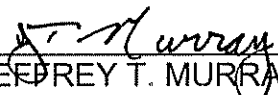
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-1960TRN (**JPA02-099 Amendment One**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED April 18th, 2005.

TERRY GODDARD
Attorney General



JEFFREY T. MURRAY
Assistant Attorney General
Transportation Section

JTM:dgr
Attachment
901100